

Handbook of Florida Agricultural Laws: Crops and Products¹

Michael T. Olexa and Connor Brock²

Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It provides a basic overview of the many rights and responsibilities that farmers and farm land owners have under Florida laws. Many readers may value this handbook because it informs them about these rights and responsibilities, and it provides them with good contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this handbook could become outdated at any time. Many details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice. It is not all-inclusive in providing information to achieve compliance with laws and regulations governing the practice of agriculture. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, UF/IFAS, the Center for Agricultural and Natural Resource Law, and the University of Florida for any liability claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this handbook.

A Brief Note on Florida Laws and Rule Making

The Florida laws described in this handbook were passed by the state legislature and have become valid state laws. The appropriate state agency then wrote specific rules based on each law. These rules are what the state agencies use to enforce the law. For most laws in this handbook, that agency is the Department of Agriculture and Consumer Services (DACs). Florida legislated laws, also called *statutes*, are organized into chapters. A chapter is divided even further into specific statutes. For example, Chapter 601 (Florida Citrus Code) contains dozens of sections covering topics ranging from marketing, inspection standards, and processing to prohibitions on the use of certain chemicals for citrus fruit. Other chapters may deal with a narrower subject and have far fewer sections. As noted above, the specific rules for each of these sections are written by a designated state agency, and generally go into greater detail. You can view the Florida Statutes online at <http://www.flsenate.gov/statutes>.

Introduction

This handbook can be used to learn which Florida laws apply to a particular agricultural project or subject, and to find the name, address, and telephone number of a state office that can provide more specific information or services.

1. This is EDIS document FE116, a publication of the Food and Resource Economics Department, UF/IFAS Extension, Gainesville, FL. FE116 is part of Circular 1224, Handbook of Florida Agricultural Laws. First published November 1999, and revised April 2004, December 2007, June 2014, and May 2022. Please visit the EDIS website at <https://edis.ifas.ufl.edu> for the currently supported version of this publication.
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Created for readers with no prior experience in the law, the handbook is designed as a necessary first step in recognizing which agricultural activities merit special attention because of their implications to agriculture. The handbook also provides an introduction to the crucial agencies and statutes which govern agricultural law.

The online handbook is divided into a Table of Contents, Index, and six fact sheets. The Table of Contents gives general and specific areas of Florida laws related to agriculture and the number of the fact sheet where that topic can be found. The six fact sheets are as follows: FE114, General Agriculture-Related Laws; FE115, Animal Husbandry; FE116, Crops and Products; FE117, Related Non-Crop or Product Agricultural Topics; FE118, Environmental and Conservation Regulations; and FE119, Taxation and Property Rights Related to Agricultural Land. The user can find the specific laws by using either the Table of Contents (FE113) or the Index (FE122).

Below is an example of using the handbook if your area of interest is farming exotic animals such as ostriches.

To use the Table of Contents to find the topic:

1. Find “Animal Husbandry” in the Table of Contents (FE113).
2. Within the Animal Husbandry area, locate “Livestock—Exotic Animals” and follow the link to FE115 (Animal Husbandry).
3. In FE115, read the “General Descriptions” and “Related References, Details, and Exceptions” columns for both laws under “Livestock—Exotic Animals” to determine if the information answers the questions or if more information is needed.
4. If the user wants more information regarding the general farming or inspection and slaughter of an exotic animal (e.g., ostriches), locate the appropriate state office telephone number and address. The primary contact agency information is listed at the end of the fact sheet, along with abbreviation information.

To use the Index:

1. Look up “ostriches” in the Index (FE122). The index leads the reader to the location for information about the culture and inspection/slaughter of ostriches.
2. Follow steps 3 and 4 above to find the contact information.

Division of the Tables

The table in each fact sheet has five columns of information. The first column, “Statute / Law (description),” either provides the law’s name or a general description when no name is available. The second column, “Florida Statute Number,” lists either a chapter number when an entire chapter relates to a particular topic, a range of sections, or a single specific section. At times, a single chapter number may have many more laws than a range. For example, sections 593.101 to 593.117 cover a narrower field, the control of cotton boll weevil, than the larger Chapter 601 on citrus fruit. The chapter and section number in all columns are presented without the typical abbreviations or symbols.

Columns 3 and 4 provide brief descriptions and related references, details, and exceptions. This information is highly condensed. As such, not all information is provided. The authors have attempted to include the most relevant aspects of each listed law. Additional information can be obtained by contacting the offices noted in the final column, “Primary Contact Agencies.” As noted above, the primary contact information is listed at the end of the fact sheet. The reader will find that the state and federal agencies are unquestionably the best targets for specific questions, as they are in close touch with both the formal and practical considerations of the areas that they regulate.

This publication can be improved with your ideas and suggestions. Comments regarding any areas which may have been omitted, but deserve inclusion, are particularly valuable. Reader feedback is a necessary ingredient to complete any successful future editions. Please send your comments or suggestions to:

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Table 1. Crop and product laws in Florida.

III. Florida Agricultural Laws: Crops and Products				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
A. Aquaculture				
Florida Aquaculture Policy Act	597	Creates state’s aquaculture plan to enhance the growth of aquaculture in Florida while protecting the environment. Regulates shellfish leases by qualified persons of any part of the bottom, water column, or bed of any water of the state for the purpose of growing oysters or clams (597.010), and Shellfish Processors (597.020).	It is unlawful for an aquaculture registrant to: commingle in the same container any shellfish aquaculture product with wild product; to transport by vessel over water both wild and aquaculture products of the same species at the same time (597.0041). Section 373.1131 simplifies permit processing when more than one agency requires aquaculture permits (consolidated action on permits). F.S. 597 established Aquaculture Best Management Practices (BMPs); any person failing to meet the BMPs and/or refusing to implement the BMPs outlined in F.S. 597 must obtain all necessary permits/authorizations from the appropriate regulatory authority, pursuant to Rule 5L-3.007(3), Florida Administrative Code. <i>See also</i> leasing of submerged Florida land for aquaculture (253.69–253.75); control of aquatic weeds, including invasive nonnative weeds (369.20–369.251); and theft of aquaculture species (812.014(2)(c) (7)).	DOA DACs
B. Citrus Production				
Florida Citrus Code	601	Describes laws designed to promote stable Florida citrus industry. Covers production and marketing topics ranging from general prohibition of arsenic use to advertising, inspection, standards, marketing, and processing of fruit. First person processing orange or grapefruit products and storing or removing such processed citrus products (except for direct consumption by consumers) is subject to an excise tax at the described rate in F.S. 601.155(2).	See ch. 2012-182 for substantial amendments to the Citrus Code, including powers and duties of the Florida Citrus Commission and the Florida Department of Citrus (CIT). See restrictions on importing citrus plants and stock from outside Florida (581.182); restrictions on new citrus varieties (581.183); exemption for alcohol beverage manufacture from citrus in dry counties (561.43(1)(b)).	CIT DACs
C. Cotton / Fiber Production				
Florida Boll Weevil Eradication Law	593.101– 593.117	Gives the state the authority to require cotton growers to supply crop information, to declare a quarantine of any area affected by boll weevil, to establish and control eradication zones, and to destroy cotton not being grown in accordance with this law. Department has the power and duty to enter upon any operation, and all things related, for the purpose of inspection, quarantine, or eradication in reference to the boll weevil (592.103(3)).	Authorizes rules for record keeping of cotton shipments (593.107) and penalties for violating declared quarantine area (593.116). Restricts movements of livestock, humans, and honeybee colonies into or from quarantine areas (593.111). Provides assessments of up to \$35 per acre to defray expenses related to eradication or suppression programs (593.114).	DACS DPI
D. Forestry / Silviculture				

III. Florida Agricultural Laws: Crops and Products				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
Laws regarding general forestry	589	Establishes Florida Forestry Council, provides for uses of state forests, and provides that the Florida Forest Service (FFS) shall administer tree planting programs to assist rural landowners and urban communities. Gives broad powers to the FFS to prevent, detect, suppress, and extinguish wildfires wherever they may occur on public or private land.	Forest Protection (590) and Forest Development (591) are related bodies of laws. Allows the Florida Commissioner of Agriculture to declare “severe drought emergency” and prohibit any burning within emergency area. (590.081) Authorizes continued use of prescribed burning to control amount of highly flammable underbrush and dead plant material to reduce the risk and severity of wildfire. Provides requirements that must be met to openly burn land-clearing debris (590.125).	DACS FFS
Laws regarding forest protection	590	Gives broad powers to Florida Forest Service (FFS) to monitor, control, and extinguish fires. 590.125(3) authorizes and promotes the continued use of prescribed burning for ecological, silvicultural, wildlife management, and range management purposes.	Section 590.125 allows controlled burning as a management practice, but subject to rules of FFS. Prohibits several forms of unlawful burning (590.10–590.11). Anyone found to be in violation may be convicted of a second degree or first degree misdemeanor (590.10; 590.11). Prohibits fires without written permit near protected areas during emergency drought conditions (590.081).	DACS FFS
Florida Community Forest Law	591.15 – 591.26	Provides mechanisms for communities to acquire, develop, and manage forests or lands suitable for forest development.	Encourages communities to develop areas in local forests for recreation and education.	DACS FFS
E. Honey Certification and Honeybees				
Florida Honey Certification and Honeybee Law	586	Authorizes DACS to enforce laws, make rules, and act to keep honeybee pests and unwanted bee races from entering Florida, and to control bee diseases by inspection, quarantine and destruction of hives.	Compensates resident beekeepers for equipment and hives destroyed to eradicate American foulbrood (586.14), but does not compensate them for destruction due to unwanted bee races, infested or infected honeybees, honeybee products, beekeeping equipment or other articles. (586.13(2)).	API DACS
F. Nursery and Plant Industry				
Laws regarding nursery plants	581	Establishes laws governing plant nurseries and the movement and importation of nursery stock from places outside Florida.	Enforced by and under the controls of DACS as provided in ch. 570. DACS can declare a plant pest, noxious weed, or insect a nuisance, and declare quarantines of affected plants. (581.031(6) & (7)). Requires certificate of registration for nursery operators (581.131). See 2006-45, section 3, establishing 581.1843, imposing additional restrictions on citrus nursery stock propagation and production (e.g., new citrus nurseries must be set one mile back from commercial citrus groves). See 2005-210, section 19, amending 581.083, requiring special permit to cultivate nonnative plants for nonagricultural purposes exceeding two acres; See 2005-210, section 18, amending 581.011, defining “invasive plant” as a “naturalized plant that disrupts naturally occurring native plant communities.”	DACS DPI

III. Florida Agricultural Laws: Crops and Products				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
G. Tropical Fruits				
Laws regarding inspection of fruits and vegetables	603.11 – 603.161	Provides for inspections, inspection fees, enforcement of Federal Marketing Agreement for certain vegetables, maturity standards for limes, and the requirement to obtain and carry sales receipt for certain tropical and semitropical fruits.		DACS FAV
Florida Tropical Fruit Policy Act	603.201– 603.204	Establishes the South Florida Tropical Fruit Plan, to be developed and updated by the Commissioner of Agriculture, to: encourage development of tropical fruit production; identify problems and constraints of the tropical fruit industry; propose possible solutions to such problems; and develop planning mechanisms for orderly growth in the industry.	The term “tropical fruit” does not include citrus fruit as defined in s. 601.03, limes, or avocados. (603.202(4)).	DACS TFAC
Florida Tropical or Subtropical Fruit and Vegetable Sales Law	603.211	Requires a buyer of 55 or more pounds of tropical or subtropical fruit and vegetables to demand and carry a “receipt,” i.e., a bill of sale, invoice sales memorandum, or other document listing the date of transaction, the quantity of product, and the identification of the seller. Sales “receipt” should include the seller’s driver’s license number or two other forms of identification. Sales receipt is to be kept for at least one year.	Violation may result in confiscation and first degree misdemeanor. Tropical or subtropical fruit is defined broadly to mean fruit that must be grown in tropical or subtropical regions, except for citrus fruit as defined in 601.03(7). Vegetables means tomatoes, peppers, squash, cucumbers, leafy greens, green beans, eggplant, sweet corn, and cabbage as defined in 603.211(3) (i).	DACS
H. Commercial Food Products				
Florida Food Disparagement Law	865.065	Prohibits the willful or malicious distribution of false information claiming that a perishable food product is unsafe for human consumption; providing for compensatory and punitive damages.	“Perishable agricultural food product” means any agricultural or aquacultural food product or commodity grown within the State of Florida which is sold or distributed in a form that will perish or decay within a reasonable period of time. 865.065(2)(b).	

Table 2. Florida contact agencies.

Contact Agencies	
API DOA CIT DACS DEP DPI FAV FFS TFAC	Bureau of Plant and Apiary Inspection (DACS) Division of Aquaculture (DACS) Department of Citrus Department of Agriculture and Consumer Services Department of Environmental Protection Division of Plant Industry (DACS) Division of Fruit and Vegetables (DACS) Florida Forest Service (DACS) Tropical Fruit Advisory Council (DACS)
	Bureau of Plant and Apiary Inspection (API) The Doyle Conner Building 1911 SW 34 Street Gainesville, FL 32608 (352) 395-4700 https://www.fdacs.gov/Divisions-Offices/Plant-Industry
	Division of Aquaculture (DOA) 600 S. Calhoun St., Ste. 217 Tallahassee, Florida 32399 (850) 617-7600 [voice] (850) 617-7601 [fax] http://www.freshfromflorida.com/Divisions-Offices/Aquaculture
	Department of Citrus (CIT) Mailing Address: P.O. Box 9010 Bartow, FL 33831-9010 Physical Address: Bob Crawford Agricultural Center 605 E. Main Street Bartow, FL 33830 (863) 537-3999 [voice] 1-877-FLA-CITRUS [fax] http://www.floridajuice.com
	Florida Department of Agriculture and Consumer Services (DACS) Office of the Commissioner Plaza Level 10, The Capitol 400 South Monroe Street Tallahassee, FL 32399-0800 1-800-435-7352 [voice, toll-free] (850) 410-3800 [Non-Florida Residents] http://www.freshfromflorida.com
	Florida Department of Environmental Protection (DEP) 3900 Commonwealth Boulevard, M.S. 49 Tallahassee, FL 32399 (850) 245-2118 [voice] (850) 245-2128 [fax] http://www.dep.state.fl.us
	Central District – Orlando District Management 3319 Maguire Boulevard, Suite 232 Orlando, FL 32803 407-897-4100 [voice] DEP_CD@dep.state.fl.us http://www.dep.state.fl.us/central

Contact Agencies	
	<p>Northeast District – Jacksonville District Management 8800 Baymeadows Way West, Suite 100 Jacksonville, Florida 32256 (904) 256-1700 [voice] (904) 256-1588 [fax] http://www.dep.state.fl.us/northeast</p>
	<p>Northwest District – Pensacola District Management 160 W. Government Street, Suite 308 Pensacola, Florida 32502 (850) 595-8300 [voice] (850) 595-8417 [fax] http://www.dep.state.fl.us/northwest</p>
	<p>South District – Fort Myers District Management 2295 Victoria Avenue, Suite 364 Fort Myers, FL 33902-2549 (239) 344-5600 [voice] (850) 412-0590 [fax] http://www.dep.state.fl.us/south</p>
	<p>Southeast District – West Palm Beach District Management 3301 Gun Club Rd, MSC 7210-1 West Palm Beach, FL 33401 (561) 681-6600 [voice] (561) 681-6755 [fax] http://www.dep.state.fl.us/southeast</p>
	<p>Southwest District – Tampa District Management 13051 North Telecom Parkway Temple Terrace, FL 33637 (813) 470-5700 [voice] http://www.dep.state.fl.us/southwest</p>
<p>Division of Plant Industry (DPI) 1911 SW 34th Street Gainesville, Florida 32608 (352) 395-4700 [voice] (352) 395-4610 [fax] 1-888-397-1517 Helpline [toll-free in United States] (352) 395-4600 (Helpline Number, Outside of the United States) Plantindustry@FDACS.gov http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry</p>	
<p>Division of Fruit and Vegetables (FAV) 170 Century Blvd. Bartow, FL 33830-7700 (863) 578-1900 [voice] (863) 578-1901 [fax] http://www.freshfromflorida.com/Divisions-Offices/Fruit-and-Vegetables</p>	
<p>Florida Forest Service (FFS) 3125 Conner Boulevard Tallahassee, FL 32399-1650 (850) 681-5800 [voice] (850) 681-5801 [fax] FFSupport@FDACS.gov http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service</p>	

Contact Agencies	
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Tropical Fruit Advisory Council (TFAC)

Florida Department of Agriculture and Consumer Services (DACS)

Office of the Commissioner

Plaza Level 10, The Capitol

400 South Monroe Street

Tallahassee, FL 32399-0800

1-800-435-7352 [voice, toll-free, Florida residents]

(850) 410-3800 [Non-Florida Residents]

<http://www.freshfromflorida.com>